

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:22-cv-00249-MR-WCM**

RONNIE PATTERSON, )  
                        )  
Plaintiff,         )  
                        )  
vs.                 )       **O R D E R**  
                        )  
**LOWELL GRIFFIN, in his official**     )  
**capacity as Henderson County**         )  
**Sheriff, and BRENT NICHOLSON,**         )  
**in his official capacity as a deputy**     )  
**for the Henderson County Sheriff's**     )  
**Office,**                 )  
                        )  
Defendants.         )  
                        )

---

**THIS MATTER** is before the Court on the Motion to Dismiss filed by the Defendant Lowell Griffin [Doc. 3] and the Magistrate Judge's Memorandum and Recommendation [Doc. 8] regarding the disposition of that motion.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable W. Carleton Metcalf, United States Magistrate Judge, was designated to consider the above-referenced motion and to submit a recommendation for its disposition.

On March 7, 2023, the Magistrate Judge filed a Memorandum and Recommendation in this case containing conclusions of law in support of a recommendation regarding the pending motion. [Doc. 8]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has now expired, and no written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation regarding the pending motion.

**IT IS, THEREFORE, ORDERED** that the Memorandum and Recommendation [Doc. 8] is **ACCEPTED**; the Defendant Lowell Griffin's Motion to Dismiss [Doc. 3] is **GRANTED**; and the Plaintiff's claims against Defendant Griffin are hereby **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that the Plaintiff is advised, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, that failure to provide proof within fourteen (14) days of this Order that Defendant Nicholson has been

served will result in the dismissal without prejudice of the Plaintiff's claims against this Defendant without further order.

**IT IS SO ORDERED.**

Signed: April 16, 2023



Martin Reidinger  
Chief United States District Judge

